

Notice of Allowability

Application No.

10/687,529

Examiner

Susan E. Fernandez

Applicant(s)

ABEL ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-23-07.
2. ☒ The allowed claim(s) is/are 16-20, 24, 25, 27-30 and 32-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

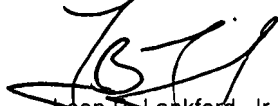
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Leon B. Lankford, Jr.
Primary Examiner
Art Unit 1651

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David E. Bruhn on September 11, 2007.

The application has been amended as follows:

In the claims:

Claim 16 has been replaced with:

Claim 16. An immersion sensor for measuring the concentration of at least one analyte with the aid of an oxidase, wherein said immersion sensor comprises:

a base body wherein the outside surface of said base body is defined by an analyte-permeable region and an analyte-impermeable, oxygen-permeable region which is a membrane,

an enzyme region comprising an oxidase within said base body and connected to said membrane,

a pair of electrodes within said base body and adjacent to said enzyme region, and
at least one water-containing channel within said base body which connects the enzyme region to the analyte-permeable region of the outside surface of said base body.

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In claim 18, at line 2, the recitation -- water-containing -- has been inserted after the word “one” and the recitation -- in the base body -- has been inserted after the word “material.”

In claim 19, at line 1, the recitation “17” has been deleted and the recitation -- 16 -- has been inserted in its place.

In claim 19, at line 2, the recitation -- water-containing -- has been inserted after the word “one.”

In claim 20, at line 1, the recitation “17” has been deleted and the recitation -- 16 -- has been inserted in its place.

In claim 20, at lines 1 and 2, the recitation “on the surface of the sensor, the channel passes into” has been deleted and the recitation -- said at least one water-containing channel contains -- has been inserted in its place.

In claims 27, 32, 34, 36, and 37, at line 1 of each claim, the recitation -- at least one water-containing -- has been inserted before the word “channel.”

In claim 30, at lines 1 and 2, the recitation “the analyte-impermeable, oxygen-permeable membrane having no analyte window” has been deleted and the recitation -- an oxygen-permeable membrane -- has been inserted in its place.

In claim 33, at lines 2 and 3, and in claim 35, at line 3, the recitation -- at least one water-containing -- has been inserted before the word “channel” at every instance.

In claim 35, at lines 1 and 2, the recitation “said surface of said sensor comprises” has been deleted and the recitation -- the analyte-impermeable, oxygen-permeable region is -- has been inserted in its place.

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In claim 35, at line 5, the word -- outside -- has been inserted before the recitation "surface."

In claim 37, at line 2, the word "a" before the recitation "surface" has been deleted and the recitation -- the outside -- has been inserted in its place.

Claim 39 has been replaced with:

Claim 39. An immersion sensor for measuring the concentration of at least one analyte with the aid of an oxidase, wherein said immersion sensor comprises:

- a base body wherein the outside surface of said base body is defined by an analyte-permeable region and an analyte-impermeable, oxygen-permeable region which is a substantially continuous membrane,

- an enzyme region comprising an oxidase within said base body and connected to said substantially continuous membrane,

- a pair of electrodes within said base body and adjacent to said enzyme region; and

- at least one water-containing channel within said base body which connects the enzyme region to the analyte-permeable region of the outside surface of said base body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan E. Fernandez whose telephone number is (571) 272-3444.

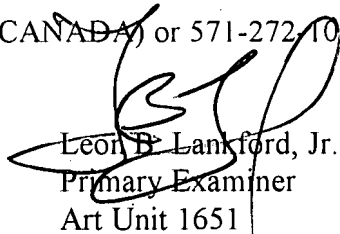
The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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